

**REMARKS**

In the above-identified Office Action, the Examiner has rejected claims 19-47, 52 and 53 as being unpatentable over the patent to Dietz et al. The Examiner has stated that Dietz et al. provides a bi-continuous pressure sensitive adhesive polymerization product and that it would have been obvious to apply the teachings of Dietz et al. to provide a bioadhesive compound suitable for medical applications. Because of the teachings of Dietz et al., the Examiner states that a polymerized biphasic emulsion can be used to produce medical bioadhesive compositions.

Applicant disagrees with the Examiner's conclusions noting in particular the amendments that it has made to claim 19 wherein claim 19 now recites that the polymerized material of the subject composition comprises a hydrophobic and a hydrophilic phase, at least one of which exists as discrete regions within the polymerized material and both phases do not simultaneously extend across the polymerized material. Thus, Applicant is claiming that the polymerized material has the property of non-bi-continuity which is explained in the application on page 15, line 24 as having at least one of the hydrophobic and hydrophilic phases existing as discrete regions with the polymerized materials, with both phases not simultaneously extending across the polymerized material. As acknowledged by the Examiner, Dietz et al. provides a bi-continuous pressure sensitive adhesive polymerization product. As stated in Dietz et al., in both his abstract and on page 7, lines 31-32, Dietz's polymerization product has a bi-continuous structure which provides different properties from the non-bi-continuous structure of Applicant. Since there is no teaching or suggestion by Dietz et al. that the bi-continuity of his invention was to be avoided. Dietz therefore teaches away from the subject invention and cannot be used to make the subject invention obvious.

Applicant hereby requests reconsideration and re-examination thereof.

With the above amendments and the remarks, this application is considered ready for allowance, and Applicants earnestly solicit an early notice of same. If the Examiner believes that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
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